

RESOLUTION NO. 2016259

RE: AUTHORIZING THE IMPLEMENTATION AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID AND STATE "MARCHISELLI" PROGRAM-AID ELIGIBLE COSTS, OF A TRANSPORTATION FEDERAL-AID PROJECT AND APPROPRIATING FUNDS THEREFORE (PIN 8755.45) RECONSTRUCTION/REALIGNMENT OF MYERS CORNERS ROAD (CR 93) FROM ALL ANGELS HILL ROAD (CR 94) TO STATE ROUTE 376 IN THE TOWN OF WAPPINGER

Legislators BORCHERT, BOLNER, PULVER, MICCIO, SAGLIANO, and STRAWINSKI offer the following and move its adoption:

WHEREAS, a Project entitled Reconstruction/Realignment to Myers Corners Road (CR 93) from All Angels Hill Road (CR 94) to State Route 376 in the Town of Wappinger, Dutchess County PIN 8755.45 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds; and

WHEREAS, Resolution Nos. 2016111 and 207020 adopted by the County Legislature on May 8, 2006 and February 9, 2007, respectively, approved and agreed to advance the Project by making a commitment of 100% of the non-federal share of the costs of preliminary engineering work, and

WHEREAS, it was subsequently found necessary to undertake additional preliminary engineering work not contemplated in the original agreement authorized by the previous Resolutions; and

WHEREAS, it has been found necessary to increase the federal and non-federal share of costs for the additional preliminary engineering work for the Project, now, therefore, be it

WHEREAS, the Department of Public Works has determined that the improvement project (1) constitutes a Type II action pursuant to Article 8 of the Environmental Conservation Law and Part 617 of the NYCRR ("SEQRA"), and (2) will not have a significant effect on the environment, and

RESOLVED, that Dutchess County approves of the above subject Project, and it is further

RESOLVED, that this Legislature hereby authorizes Dutchess County to pay in the first instance 100% of the federal and non-federal share of the cost of the additional preliminary engineering work for the Project or portions thereof; and be it further

RESOLVED, that the sum of \$31,000 (\$271,000 minus previous \$240,000) is hereby appropriated and made available pursuant to Bond H 0384.5110 – 2007 Roads (ISTEA/TEA21) to cover the cost of participation in this phase of the Project, and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the Project exceeds the amount appropriated above, this Legislature shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the County Executive thereof, and it is further

RESOLVED, that the County Executive or his designee be and he hereby is authorized to execute all necessary agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the County with the New York State Department of Transportation in connection with the advancement or approval of the Project providing for the administration of the Project and the County's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefor that are not so eligible, and it is further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and it is further

RESOLVED, that this Resolution shall take effect immediately.

CA-158-16

CAB/kvh/R-0946

09/30/16

Fiscal Impact: See attached statement.

STATE OF NEW YORK

ss:

COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 7th day of November 2016, and that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 7<sup>th</sup> day of November 2016.

CAROLYN MORRIS, CLERK OF THE LEGISLATURE

## FISCAL IMPACT STATEMENT

☐ NO FISCAL IMPACT PROJECTED

### APPROPRIATION RESOLUTIONS (To be completed by requesting department)

Total Current Year Cost \$ 133,725

Total Current Year Revenue \$ 24,800  
and Source

Source of County Funds (check one): ☒ Existing Appropriations, ☐ Contingency,  
☐ Transfer of Existing Appropriations, ☐ Additional Appropriations, ☐ Other (explain).

Identify Line Items(s):  
H0384.5110.3250.213

Related Expenses: Amount \$ \_\_\_\_\_  
Nature/Reason:

Anticipated Savings to County: \_\_\_\_\_

Net County Cost (this year): \_\_\_\_\_  
Over Five Years: \$108,925

#### Additional Comments/Explanation:

This F.I.S. is related to the resolution request to accept Supplemental Agreement # 4 for additional Preliminary Engineering funds from NYSDOT for PIN 8755.45 Myers Corners Rd. (CR 93): All Angels Hill Rd. to Route 376, Town of Wappinger

Prepared by: Rosanne M. Hall, Contract Specialist, 486-2924

Prepared On: 09/26/16

Supplemental Agreement Cover for Local Agreements (11/12)  
MUNICIPALITY/SPONSOR: Dutchess County  
PIN: 8755.45  
BIN: N/A  
Comptroller's Contract No: D024757  
Supplemental Agreement No. 4  
Date Prepared & By: 9/19/2016ds

## SUPPLEMENTAL AGREEMENT NO 4 to D024757

This Supplemental Agreement is by and between:

the New York State Department of Transportation ("NYSDOT"), having its principal office at  
50 Wolf Road, Albany, New York, 12232, on behalf of New York State ("State");

And

Dutchess County (the Municipality/Sponsor)  
Acting by and through the County Executive  
With its office at 22 Market Street, City of Poughkeepsie, Dutchess County, New York

This amends the existing Agreement between the parties in the following respects only:

X Amends a previously adopted Schedule A by:

- ☐ amending a project description
- ☐ amending the contract end date
- ☐ amending the scheduled funding by:
- X adding additional funding:

- ☐ adding 1,2,3 phase which covers eligible costs incurred on/after xxxx
- ☐ adding phase which covers eligible costs incurred on/after xxxx
- X increasing funding for a project phases -Preliminary Engineering 9/14/2016

- X adding a pin extension
- ☐ change from Non-Marchiselli to Marchiselli
- ☐ deleting/reducing a project phase(s)
- ☐ other (xxxxx)

☐ Amends a previously adopted Schedule "B"

X Amends a previously adopted agreement by adding Appendix 2-S – Iran Divestment Act

☐ Amends the Text of the Agreement as follows:

Supplemental Agreement Cover for Local Agreements (11/12)  
MUNICIPALITY/SPONSOR: Dutchess County  
PIN: 8755.45  
BIN: N/A  
Comptroller's Contract No: D024757  
Supplemental Agreement No. 4  
Date Prepared & By: 9/19/2016ds

IN WITNESS WHEREOF, the parties have caused this agreement to be executed by its duly authorized officials as of the date first above written.

Approved for the Municipality/Sponsor

By: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

Municipality/Sponsor Attorney:

By: \_\_\_\_\_

Print Name: \_\_\_\_\_

STATE OF NEW YORK )  
 )ss.:  
COUNTY OF Dutchess )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2016 before me personally came \_\_\_\_\_ to me known, who, being by me duly sworn did depose and say that he/she resides at \_\_\_\_\_; that he/she is the \_\_\_\_\_ of the Municipal/Sponsor Corporation described in and which executed the above instrument; that it was executed by order of the \_\_\_\_\_ of said Municipal/Sponsor Corporation pursuant to a resolution or other authorization which was duly adopted on \_\_\_\_\_ and which a certified copy is attached and made a part hereof, and that he/she signed his/her name thereto by like order.

\_\_\_\_\_  
Notary Public

By: \_\_\_\_\_  
For Commissioner of Transportation

Agency Certification: In addition to the Acceptance of this contract, I also certify that original copies of this signature page will be attached to all other exact copies of this Contract.

APPROVED AS TO FORM:  
STATE OF NEW YORK ATTORNEY GENERAL

By: \_\_\_\_\_  
Assistant Attorney General

COMPTROLLER'S APPROVAL:

By: \_\_\_\_\_  
For the New York State Comptroller  
Pursuant to State Finance Law § 112

Press F1 to read instructions in blank fields

# **SCHEDULE A -- Description of Project Phase, Funding and Deposit Requirements** **NYSDOT/ State-Local Agreement - Schedule A for PIN 8755.45**

<b>OSC Municipal Contract #:</b> D024757	<b>Contract Start Date:</b> 3/14/2006 (mm/dd/yyyy) <b>Contract End Date:</b> 12/30/2022 (mm/dd/yyyy) <input type="checkbox"/> Check, if date changed from the last Schedule A
<b>Purpose:</b> <input type="checkbox"/> Original Standard Agreement <input checked="" type="checkbox"/> Supplemental Schedule A No. 4	
<b>Agreement Type:</b> <input checked="" type="checkbox"/> Locally Administered <input type="checkbox"/> State Administered	
<b>Municipality/Sponsor (Contract Payee):</b> Dutchess County <b>Other Municipality/Sponsor (if applicable):</b>	
List participating Municipality(ies) and the % of cost share for each and indicate by checkbox which Municipality this Schedule A applies.	
<input type="checkbox"/> Municipality: _____ % of Cost share.	
<input type="checkbox"/> Municipality: _____ % of Cost share.	
<input type="checkbox"/> Municipality: _____ % of Cost share.	
<b>Authorized Project Phase(s) to which this Schedule applies:</b> <input checked="" type="checkbox"/> PE/Design <input checked="" type="checkbox"/> ROW Incidentals <input checked="" type="checkbox"/> ROW Acquisition <input type="checkbox"/> Construction/CI/CS	
<b>Work Type:</b> HWY SAFETY <b>County (If different from Municipality):</b> Dutchess	

**Marchiselli Eligible** ☒ Yes ☐ No (Check, if Project Description has changed from last Schedule A: ☐)  
**Project Description:** Myers Corners Rd (CR93): All Angels Rd - Route 376, Town of Wappinger

**Marchiselli Allocations Approved FOR ALL PHASES** All totals will calculate automatically.

Check box to indicate change from last Schedule A	State Fiscal Year(s)	Project Phase			TOTAL
		PE/Design	ROW (RI & RA)	Construction/CI/CS	
<input type="checkbox"/>	Cumulative total for all prior SFYs	\$36,000.00	\$48,950.00	\$0.00	\$84,950.00
<input type="checkbox"/>	Current SFY	\$0.00	\$0.00	\$0.00	\$ 0.00
<b>Authorized Allocations to Date:</b>		\$36,000.00	\$48,950.00	\$ 0.00	\$84,950.00

**A. Summary of allocated MARCHISELLI Program Costs FOR ALL PHASES** For each PIN Fiscal Share below, show current costs on the rows indicated as "Current." Show the old costs from the previous Schedule A on the row indicated as "Old." All totals will calculate automatically.

PIN Fiscal Share	"Current" or "Old" entry indicator	Federal Funding	Total Costs	FEDERAL Participating Share	STATE MARCHISELLI Match	LOCAL Matching Share	LOCAL DEPOSIT AMOUNT (Required only if State Administered)
8755.45.121 122.123	Current	STP	\$271,000.00	\$216,800.00	\$36,000.00 *	\$18,200.00	\$
	Old	STP (80%)	\$240,000.00	\$192,000.00	\$36,000.00	\$12,000.00	\$
8755.45.221 222.223	Current	STP (80%)	\$363,000.00	\$290,400.00	\$48,950.00	\$23,650.00	\$
	Old	STP (80%)	\$240,000.00	\$290,400.00	\$48,950.00	\$23,650.00	\$
	Current		\$ 0.00	\$	\$	\$	\$
	Old		\$ 0.00	\$	\$	\$	\$
	Current		\$ 0.00	\$	\$	\$	\$
	Old		\$ 0.00	\$	\$	\$	\$
	Current		\$ 0.00	\$	\$	\$	\$
	Old		\$ 0.00	\$	\$	\$	\$
	Current		\$ 0.00	\$	\$	\$	\$
	Old		\$ 0.00	\$	\$	\$	\$
<b>TOTAL CURRENT COSTS:</b>			\$634,000.00	\$507,200.00	\$84,950.00	\$41,850.00	\$ 0.00

**B. Summary of Other (including Non-allocated MARCHISELLI) Participating Costs FOR ALL PHASES** For each PIN Fiscal Share, show current costs on the rows indicated as "Current." Show the old costs from the previous Schedule A on the row indicated as "Old." All totals will calculate automatically.

[illegible]

C. Total Local Deposit(s) Required for State Administered Projects:	\$ 0.00
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D. Total Project Costs All totals will calculate automatically.

D. Total Project Costs <i>All totals will calculate automatically.</i>				
Total FEDERAL Cost	Total STATE MARCHISELLI Cost	Total OTHER STATE Cost	Total LOCAL Cost	Total ALL SOURCES Cost
\$507,200.00	\$84,950.00	\$ 0.00	\$144,575.00	\$736,725.00

**E. Point of Contact for Questions Regarding this Schedule A (Must be completed)**

Name: Doreen Holsopple  
Phone No: 845-431-5977

See Agreement (or Supplemental Agreement Cover) for required contract signatures.

Footnotes: (See LPB's website for link to sample footnotes)

- Description Continued: Work proposes to improve the horizontal and vertical geometry and sight distance. Improve access control, guide rail and roadside clear area. Other work to be included, but not limited to shoulder improvements, drainage, culverts, signage and striping.
- This Schedule A to include additional Preliminary Engineering funds
- • Marchiselli funding hereunder is limited by the amount authorized on the Comprehensive List. Additional Marchiselli funding is contingent on appropriate increase(s) to the Comprehensive List and the execution of a Supplemental Schedule A providing such additional funds.



## APPENDIX 2-S IRAN DIVESTMENT ACT

As a result of the Iran Divestment Act of 2012 (Act), Chapter 1 of the 2012 Laws of New York, a new provision has been added to the State Finance Law (SFL), § 165-a, effective April 12, 2012. Under the Act, the Commissioner of the Office of General Services (OGS) will be developing a list (prohibited entities list) of "persons" who are engaged in "investment activities in Iran" (both are defined terms in the law). Pursuant to SFL § 165-a(3)(b), the initial list is expected to be issued no later than 120 days after the Act's effective date, at which time it will be posted on the OGS website.

By entering into a renewal or extension of this Contract, Contractor (or any assignee) certifies that once the prohibited entities list is posted on the OGS website, it will not utilize on such Contract any subcontractor that is identified on the prohibited entities list.

Additionally, Contractor understands that during the term of the Contract, should NYSDOT receive information that a person is in violation of the above-referenced certification NYSDOT will offer the person an opportunity to respond. If the person fails to demonstrate that it has ceased its engagement in the investment which is in violation of the Act within 90 days after the determination of such violation, then NYSDOT shall take such action as may be appropriate including, but not limited to, imposing sanctions, seeking compliance, recovering damages, or declaring the Contractor in default.

NYSDOT reserves the right to reject any renewal, extension or request for assignment for an entity that appears on the prohibited entities list hereafter and to pursue a responsibility review with respect to any entity that is granted a contract extension/renewal or assignment and appears on the prohibited entities list thereafter.

RESOLUTION NO. 2016111

BOND RESOLUTION DATED MAY 9, 2016.

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$332,136 SERIAL BONDS OF THE COUNTY OF DUTCHESS, NEW YORK, TO PAY THE COUNTY'S SHARE OF THE COST OF THE PURCHASE OF BUSES FOR PUBLIC TRANSIT, IN AND FOR SAID COUNTY.

WHEREAS, all conditions precedent to the financing of the capital project hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act as a Type II Action, have been performed; and

WHEREAS, it is now desired to authorize the financing of such capital project; NOW,  
THEREFORE

BE IT RESOLVED, by the County Legislature of the County of Dutchess, New York, as follows:

Section 1. The County's share of the cost of the purchase of public transit buses, with alternative fuel modalities where appropriate and available, in and for the County of Dutchess, New York, including incidental equipment and expenses in connection therewith, is hereby authorized at a maximum estimated cost of \$332,136. The total maximum estimated cost is \$3,291,768.

Section 2. It is hereby determined that the plan for the financing of said class of objects or purposes is as follows:

- (a) by the issuance of the \$332,136 serial bonds hereby authorized to be issued pursuant to the provisions of the Local Finance Law; and
- (b) by the expenditure of \$328,848 monies received or to be received from State grants-in-aid, which monies are hereby appropriated therefor.

(c) by the expenditure of \$2,630,784 monies received or to be received from Federal grants-in-aid, which monies are hereby appropriated therefor.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is five years, pursuant to subdivision 29 of paragraph a of Section 11.00 of the Local Finance Law.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Commissioner of Finance, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Commissioner of Finance, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said County of Dutchess, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said County a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the County of Dutchess, New York, by the manual or facsimile signature of the Commissioner of Finance and a facsimile of its corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the County Clerk.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Commissioner of Finance, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as she shall

deem best for the interests of the County; provided, however, that in the exercise of these delegated powers, she shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Commissioner of Finance shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8. All other matters, except as provided herein relating to such bonds including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the County by the facsimile signature of the Commissioner of Finance, providing for the manual countersignature of a fiscal agent or of a designated official of the County), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Commissioner of Finance. It is hereby determined that it is to the financial advantage of the County not to impose and collect from registered owners of such serial bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the Commissioner of Finance shall determine.

Section 9. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this resolution, no monies are, or

are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 10. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said County is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 11. This resolution, which takes effect immediately, shall be published in summary form in *The Poughkeepsie Journal* and the *Southern Dutchess News*, the official newspapers of said County, together with a notice of the Clerk of the County Legislature in substantially the form provided in Section 81.00 of the Local Finance Law.

\* \* \* \* \*

CERTIFICATION FORM

STATE OF NEW YORK       )  
                                  ) ss.:  
COUNTY OF DUTCHESS    )

I, the undersigned Clerk of the County Legislature of the County of Dutchess, New York (the "Issuer"), DO HEREBY CERTIFY:

That I have compared the annexed extract of the minutes of the meeting of the County Legislature of said County, including the resolution contained therein, held on May 9, 2016, with the original thereof on file in my office, and that the same is a true and correct transcript therefrom and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that said County Legislature consists of 25 members; that the vote on the foregoing resolution was 24 ayes and 0 noes, with 1 members being absent or abstaining from voting.

I FURTHER CERTIFY that the foregoing resolution as adopted by said County Legislature was duly approved by the County Executive of said County on May 16, 2016, in accordance with the provisions of Section 3.02 of the Dutchess County Charter.

I FURTHER certify that all members of said Legislature had due notice of said meeting, and that, pursuant to Section 103 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public, and that I duly caused a public notice of the time and place of said meeting to be given to the following newspapers and/or other news media as follows:

Newspaper and/or other news media

Date given

Southern Dutchess News  
Poughkeepsie Journal

May 6, 2016  
May 6, 2016

and that I further duly caused public notice of the time and place of said meeting to be conspicuously posted in the following designated public location(s) on the following dates:

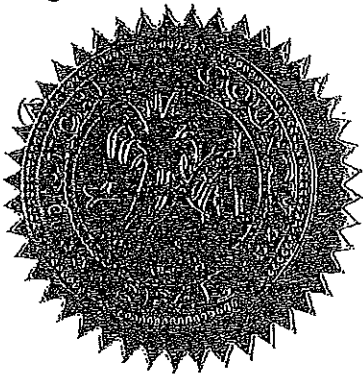
Designated Location(s)  
of posted notice

Date of Posting

22 Market Street, 6<sup>th</sup> Floor, County Office Building  
Poughkeepsie, NY 12601

May 6, 2016

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the County Legislature this 10<sup>th</sup> day of May 2016.



Carole Morris  
Clerk, County Legislature

APPROVED  
Marcus J. Molinaro  
MARCUS J. MOLINARO  
COUNTY EXECUTIVE

Date 5-16-2016

RESOLUTION NO. 207020

RE: AUTHORIZING THE IMPLEMENTATION AND FUNDING  
IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID  
AND STATE "MARCHISELL" PROGRAM-AID ELIGIBLE  
COSTS OF A TRANSPORTATION FEDERAL-AID PROJECT  
AND APPROPRIATING FUNDS THEREFOR (PIN 8755.45)

Legislators HUTCHINGS, LAFRANCE, and SWARTZ offer the following  
and move its adoption:

WHEREAS, a project for the improvements to Myers Corners Road (CR 93) from All  
Angels Road (CR 94) to State Route 376 in the Town of Wappinger, Dutchess County,  
identified as PIN 8755.45 (the "Project") is eligible for funding under Title 23, U.S. Code, as  
amended, that calls for the apportionment of the costs of such program to be borne at the ratio  
of 80% Federal funds and 20% non-federal funds, and

WHEREAS, Resolution No. 206111 adopted on May 8, 2006 by the Dutchess County  
Legislature approved and agreed to advance the Project by making a commitment of 100% of  
the non-federal share of the costs of preliminary engineering and right-of-way incidental work,  
and

WHEREAS, it was subsequently found necessary to undertake additional  
preliminary engineering and right-of-way incidental work not contemplated in the original  
agreement authorized by the previous resolution, now, therefore, be it

RESOLVED, that the Dutchess County Legislature hereby continues to  
approve of the above subject project, and it is further

RESOLVED, that the Dutchess County Legislature hereby authorizes the  
County of Dutchess to pay in the first instance 100% of the federal and non-federal share of  
the additional cost of preliminary engineering and right-of-way incidental work for the  
Project or portions thereof, and it is further

RESOLVED, that the sum of \$113,000 (\$313,000 minus previously  
authorized \$200,000) is hereby appropriated and made available from Bond H 0290.5110 -  
2000 Roads (ISTEA/TEA21) and made available to cover the cost of participation in the  
above phase of the Project, and it is further

RESOLVED, that in the event the full federal and non-federal share costs of  
the project exceeds the amount appropriated above, the Dutchess County Legislature shall  
convene as soon as possible to appropriate said excess amount immediately upon the  
notification by the County Executive thereof, and it is further

RESOLVED, that the County Executive or his designee be and he hereby is  
authorized to execute all necessary agreements, certifications or reimbursement requests for



Federal Aid and/or applicable Marchiselli Aid with the New York State Department of Transportation on behalf of the County of Dutchess in connection with the advancement or approval of the above referenced project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible project costs and all project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to the fully-executed agreement in connection with the project, and it is further

RESOLVED, that this resolution shall take effect immediately.

CA-183-06

ca/C-7128

11/14/06

Fiscal Impact: See attached statement

APPROVED



WILLIAM R. STEINHAUS  
COUNTY EXECUTIVE

Date Feb. 2, 2007

STATE OF NEW YORK

ss:

COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 22<sup>nd</sup> day of January, 2007, and that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 22<sup>nd</sup> day of January, 2007.



PATRICIA J. BOHMANN, CLERK OF THE LEGISLATURE

## FISCAL IMPACT STATEMENT

☐ NO FISCAL IMPACT PROJECTED

### APPROPRIATION RESOLUTIONS (To be completed by requesting department)

Total Current Year Cost \$ 113,000

Total Current Year Revenue \$ 107,350  
and Source

Source of County Funds (check one): ☒ Existing Appropriations, ☐ Contingency,  
☐ Transfer of Existing Appropriations, ☐ Additional Appropriations, ☐ Other (explain).

Identify Line Items(s):  
H-290.5110.3250.213

Related Expenses: Amount \$ \_\_\_\_\_  
Nature/Reason:

Anticipated Savings to County: \_\_\_\_\_

Net County Cost (this year): \$5,650  
Over Five Years: \_\_\_\_\_

#### Additional Comments/Explanation:

This F.I.S. is related to the Resolution request for accepting Supplemental Agreement #1 to increase funding from the NYSDOT for Preliminary Engineering phase and Right of Way Incidentals phase of PIN 8755.45 Myers Corners Rd. (CR93); All Angels Hill Rd. (CR 94) to RT 376 in the Town of Wappinger.

Prepared by: Rosanne M. Pinto, Contract Specialist

626 Dutchess Turnpike  
Poughkeepsie, NY 12603  
Phone: (845) 486-2925  
Fax: (845) 486-2940

**Dutchess  
County DPW**  
Engineering

# Memo

**To:** Michael Murphy, Commissioner  
**From:** Gregory V. Bentley, PE, Director *gvb*  
**Date:** November 6, 2006  
**Re:** PIN 8755.45 Myers Corners Rd. (CR 93): All Angels Hill Rd. to RT 376

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The attached Resolution Request and Fiscal Impact Statement are submitted for the referenced project. The purpose of this resolution is to have the Dutchess County Executive accept the attached project Supplemental Agreement # 1 which will increase funding of preliminary engineering and right-of-way incidental work. Funding for this project will come from previously allocated funding under Bond H 0290.5110 - 2000 Roads (ISTEA/TEA21). All funds expended under this Master Agreement will be eligible for 80% Federal reimbursement and 15% Marchiselli-Match Funding. The remaining 5% will be paid by the County.

This project involves improvements to the horizontal and vertical geometry and sight distance. Improve access control, guide railing, and roadside clear area. Work to include, but not limited to shoulder improvement, drainage, culverts, signage, and striping.

## WESTLAW

McKinney's Consolidated Laws of New York Annotated  
Environmental Conservation Law (Refs & Annos)

§ 8-0113. Rules and regulations

McKinney's Consolidated Laws of New York Annotated, Environmental Conservation Law  
Article 8. Environmental Quality Review (Refs & Annos)

Effective: February 26, 2006 (Approx. 3 pages)

## NOTES OF DECISIONS (11)

Validity of regulation

Criteria for determining significance

Standing, generally

Challenges to regulations

Actions not requiring environmental  
impact statements

Supplemental environmental impact  
statements

## Proposed Legislation

Effective: February 26, 2006

McKinney's ECL § 8-0113

## § 8-0113. Rules and regulations

## Currentness

1. After consultation with the other agencies subject to the provisions of this article, including state agencies and representatives of local governments and after conducting public hearings and review of any other comments submitted, the commissioner shall adopt rules and regulations implementing the provisions of this article within one hundred and twenty days after the effective date of this section.<sup>1</sup>

2. The rules and regulations adopted by the commissioner specifically shall include:

(a) Definition of terms used in this article;

(b) Criteria for determining whether or not a proposed action may have a significant effect on the environment, taking into account social and economic factors to be considered in determining the significance of an environmental effect;

(c) Identification on the basis of such criteria of:

(i) Actions or classes of actions that are likely to require preparation of environmental impact statements;

(ii) Actions or classes of actions which have been determined not to have a significant effect on the environment and which do not require environmental impact statements under this article. In adopting the rules and regulations, the commissioner shall make a finding that each action or class of actions identified does not have a significant effect on the environment;

(d) Typical associated environmental effects, and methods for assessing such effects, of actions determined to be likely to require preparation of environmental impact statements;

(e) Categorization of actions which are or may be primarily of statewide, regional, or local concern, with provisions for technical assistance including the preparation or review of environmental impact statements, if requested, in connection with environmental impact review by local agencies.

(f) Provision for the filing and circulation of draft environmental impact statements pursuant to subdivision four of section 8-0109, and environmental impact statements pursuant to subdivision six of section 8-0109, including, in addition to any other circulation and public availability requirements, making such statements available free of charge to the public and government agencies on the publicly-available Internet website, unless impracticable. Printed filings and public notices shall clearly indicate the address of the website at which such filing is posted;

(g) Scope, content, filing and availability of findings required to be made pursuant to subdivision eight of section 8-0109;

(h) Form and content of and level of detail required for an environmental impact statement; and

(i) Procedures for obtaining comments on draft environmental impact statements, holding hearings, providing public notice of agency decisions with respect to preparation of a draft environmental statement; and for such other matters as may be needed to assure effective participation by the public and efficient and expeditious administration of the article.

(j) Procedure for providing applicants with estimates, when requested, of the costs expected to be charged them pursuant to subdivision seven of section 8-0109 of this article.

(k) Appeals procedure for the settlement of disputed costs charged by state agencies to applicants pursuant to subdivision seven of section 8-0109 of this article. Such appeal procedure shall not interfere or cause delay in the determination of environmental significance or prohibit an action from being undertaken.

(l) A model assessment form to be used during the initial review to assist an agency in its responsibilities under this article.

3. Within the time periods specified in section 8-0117 of this article the agencies subject to this article shall, after public hearing, adopt and publish such additional procedures as may be necessary for the implementation by them of this article consistent with the rules and regulations adopted by the commissioner.

(a) Existing agency environmental procedures may be incorporated in and integrated with the procedures adopted under this article, and variance in form alone shall constitute no objection thereto. Such individual agency procedures shall be no less protective of environmental values, public participation, and agency and judicial review than the procedures herein mandated.

(b) Such agency procedures shall provide for interagency working relationships in cases where actions typically involve more than one agency, liaison with the public, and such other procedures as may be required to effect the efficient and expeditious administration of this article.

4. Coordination with agricultural districts program. The commissioner, in consultation with the commissioner of agriculture and markets, shall amend the regulations promulgated pursuant to the provisions of this section as necessary and appropriate to assure the adequate consideration of impacts of public acquisitions, or the advancement of public monies for non-farm development on lands used in agricultural production and unique and irreplaceable agricultural lands within agricultural districts in accordance with the provisions of subdivision four of section three hundred five of the agriculture and markets law.

#### Credits

(Added L.1975, c. 612, § 1. Amended L.1976, c. 228, § 2; L.1977, c. 252, §§ 5, 6; L.1992, c. 534, § 4; L.2005, c. 641, § 3, eff. Feb. 26, 2006.)

#### Editors' Notes

##### PRACTICE COMMENTARIES

by Philip Weinberg

This section dictates with unusual specificity the precise topics the Commissioner's regulations are to encompass. As discussed in the Commentary to § 8-0109, the Part 617 regulations prescribing SEQRA compliance by state and local agencies, 6 NYCRR Part 617, and the Part 618 regulations dealing with the Department of Environmental Conservation's own procedure, 6 NYCRR Part 618, are vital to an understanding of the SEQRA process. Other state and local agencies have adopted their own regulations implementing SEQRA. The Part 617 regulations govern agencies which have not done so. See 6 NYCRR § 617.14(a).

The Department's Part 617 regulations governing compliance with SEQRA by administrative agencies do not authorize declaratory rulings binding on other agencies with regard to those entities' procedures under the Act, the Department held in DEC Declaratory Ruling 8-01 (Martin S. Baker, et al.) (1984). It pointed out

that DEC may not enforce SEQRA as against other government agencies and thus lacks authority to issue rulings prescribing their conduct in specific situations. Note, however, that in that very ruling DEC held that for a municipality to permanently shunt its EIS responsibilities onto an environmental advisory board contravened § 8-0111. See the Commentary to that section under Lead Agency.

*West Village Committee, Inc. v. Zagata*, 242 A.D.2d 91, 669 N.Y.S.2d 674 (3<sup>rd</sup> Dept.), lv. appeal denied 92 N.Y.2d 802, 677 N.Y.S.2d 72, 699 N.E.2d 432 (1998), upheld in every respect several challenged portions of the revised DEC Part 617 regulations. It sustained the requirement that the project sponsor provide the scope of the project to lead agencies and that all relevant issues be raised at that point (with certain exceptions), 6 NYCRR § 617.8(b),(f), rejecting the claim that this improperly allows the sponsor to control the issues to be addressed in the draft EIS. As the court noted, final responsibility for determining the scope and content of an EIS remains with the lead agency. Further, the public and other agencies are free to propose additional issues if relevant and significant, 6 NYCRR § 617.8(g).

The addition of some Type II actions, not requiring SEQRA review, to the existing list was likewise ruled not an unlawful contravention of the statute since the original Type II list was also contained in the DEC rules, and the added items were reasonable in nature. Finally, limiting SEQRA review to significant adverse impacts was consistent with § 8-0109, which does not mandate that agencies weigh insignificant impacts.

#### Notes of Decisions (11)

#### Footnotes

<sup>1</sup> This section took effect Sept. 1, 1975.

McKinney's E. C. L. § 8-0113, NY ENVIR CONSER § 8-0113  
Current through L.2016, chapters 1 to 395.

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